

**MINUTES of MEETING of ARGYLL AND BUTE LICENSING BOARD held in the COUNCIL
CHAMBERS, KILMORY, LOCHGILPHEAD
on TUESDAY, 28 JUNE 2022**

Present: Kieron Green Jan Brown
Mark Irvine Audrey Forrest
Paul Donald Kennedy Graham Hardie
Luna Martin Fiona Howard
Liz McCabe

Attending: Susan Mair, Depute Clerk to the Board
Margaret MacLean, Admin Assistant
Kelly Coffield, Licensing Assistant
Eric Dearie, Licensing Standards Officer
Raymond Park, Licensing Standards Officer
Sergeant David Holmes, Police Scotland

APPOINTMENT OF CHAIR OF THE LICENSING BOARD

Susan Mair, Depute Clerk welcomed everyone to the first meeting of the new Board.

Ms Mair invited nominations for election to the position of Chair of the Licensing Board.

Mark Irvine nominated Kieron Green as the position of Chair and this was seconded by Liz McCabe.

Decision

The Board agreed to the appointment of Kieron Green as Chair of the Licensing Board.

Ms Mair invited Kieron Green to take the Chair.

2. APPOINTMENT OF VICE-CHAIR OF THE LICENSING BOARD

Kieron Green thanked his colleagues for electing him as Chair of the Licensing Board and thanked them for their support.

The Chair proceeded to invite nominations for election to the position of Vice- Chair of the Licensing Board.

The Chair nominated Mark Irvine for the position of Vice Chair and this was seconded by Fiona Howard.

Decision

The Board agreed to the appointment of Mark Irvine as Vice Chair of the Licensing Board.

APOLOGIES

Apologies were intimated by Amanda Hampsey.

DECLARATIONS OF INTEREST

Audrey Forrest declared a non-financial interest in Agenda item 7(e) (Application for a Major Variation of a Premises Licence- The Blairmore, Shore Road, Near Dunoon PA23 8TJ).

APPROVAL OF MINUTES FROM LICENSING BOARD MEETING OF 26TH APRIL 2022

The minutes from the meeting on 26th April 2022 were submitted and approved.

6. APPLICATIONS FOR A PREMISES LICENCE

(a) Corranbuie Coffee Cafe, Tarbert Holiday Park, Tarbert, PA29 6YF

The applicant, Carolyn McDonald attended and explained that the coffee shop was situated within the Tarbert Holiday Park and she wanted to offer and sell alcohol with meals for her customers and passing trade.

Eric Dearie, Licensing Standards Officer referred to his report (Appendix 1) and confirmed that the percentage of retail area given over to the display of alcohol for off-sales was 6.8%.

Paul Kennedy referred to the licensed area outlined in red on the layout plan and asked if the applicant wanted the whole site licensed. Ms McDonald stated that she only required the area immediately outside the

premises. Eric Dearie explained that it was only the decking area and the astro turf areas that were to be licensed and suggested that the layout plan could be amended to show the licensed areas delineated in a different colour to avoid any confusion. The applicant agreed to do this.

Graham Hardie enquired about tourists and whether there would be overnight parking. Ms McDonald replied that there would be as it is a touring site but she had no desire to run it as a pub. It was purely to allow tourists to have a drink with a meal. She added that the area would be closely monitored and controlled.

Mark Irvine referred to the external areas and asked if plastic glasses would be used. Ms McDonald confirmed that this would be the case.

The Chair moved to grant the application as applied for subject to an amended layout plan being submitted.

With no-one else being otherwise minded, this became the decision of the Board.

(b) Dunollie Museum, Castle & Grounds, Oban, PA34 5TT

Emma Sutcliffe, premises manager attended and advised that the premises were a visitor attraction comprising a museum and castle ruin, set within historic grounds. Ms Sutcliffe said she had worked closely with Raymond Park, Licensing Standards Officer and Environmental Health and wanted to make use of the various outdoor areas.

Raymond Park, Licensing Standards Officer explained that the venue was open to the public seasonally, (April to October) with special events taking place during the winter (November to March). The premises licence would cover several separate areas within the boundary, both internal and external but would be operated as single event spaces. He referred to his report and to the report submitted by Environmental Health.

The Chair referred to the number of external areas and asked how these would be delineated. Ms Sutcliffe advised that there would be signs at the front gate and individual signs in all the relevant areas to advise the public accordingly. She said that all events would be discussed in advance and the specific area would be agreed by all parties although in-house events would be restricted to one area which would be monitored by members of staff.

Graham Hardie enquired about the outstanding section 50 certificate in respect of building standards. Ms Sutcliffe advised that there had been some outstanding issues which would not take long to rectify and she should receive the certificate within the next month.

Paul Kennedy asked Mr Park if the applicant needed a separate licence

for each area. Mr Park confirmed that only one licence would be required and although the plan showed different areas, these would all be within one licensed area.

Liz McCabe noted that there was no cash bar and some events offered one drink to customers. Ms Sutcliffe said these would be pre-booked events and at present she just wanted to manage the business correctly and safely.

Jan Brown asked how online bookings would be managed and Ms Sutcliffe advised that dates of birth were requested and if alcohol was to be included, the appropriate form of ID would be mandatory.

The Chair asked the Depute Clerk, Susan Mair, if the application should be considered as a provisional licence due to the absence of the building standards section 50 certificate. Ms Mair confirmed that it should be and then the application to confirm the licence, once the relevant certificate was submitted, would be dealt with under delegated powers.

The Chair moved to grant the application as applied for as a provisional licence.

With no-one else being otherwise minded, this became the decision of the Board.

(c) **Wyvex Media Ltd., Crannog Lane, Lochavullin Estate, Oban, PA34 4HB**

Laura Campbell, premises manager attended and advised that this was an application for a premises licence to sell alcohol by off-sales via the internet.

Eric Dearie, Licensing Standards Officer said that there would be no display of alcohol as it would be internet sales only and the alcohol would be stored in an office. He had no issues regarding the application.

Fiona Howard asked what type of alcohol would be sold. Ms Campbell said she was in touch with the distillers and it would be their own brand of whisky.

Audrey Forrest asked Eric Dearie for a brief overview regarding the regulations in respect of deliveries and remote sales. Mr Dearie advised that selling remotely required a day book, which was now replaced by computers, showing each sale and its destination. Once delivered, proof of age would be needed, if required. He added that the delivery driver also had a day book.

Paul Kennedy raised the issue of overprovision and wondered if there were any similar premises within the vicinity. Eric Dearie advised that

there was currently no overprovision within Argyll and Bute and the nearest premises was Tesco, which was quite some distance away.

Susan Mair, Depute Clerk confirmed that this was correct. The previous Board had determined that there was no overprovision within the Argyll and Bute Council area. This was a matter, however, that could be reviewed.

The Chair moved to grant the application as applied for.

With no-one else being otherwise minded, this became the decision of the Board.

7. APPLICATION FOR MAJOR VARIATION OF A PREMISES LICENCE

(a) Bowmore Distillery & Visitor Centre, School Street, Bowmore, Isle of Islay, PA43 7JS

Susan Mair, Depute Clerk advised that a request had been received to continue this application to the Board Meeting in September. The Board agreed to continue the application.

(b) Caol Ila Distillery, Port Askaig, Isle of Islay, PA46 7RL

Euan McGillivray, Solicitor, Glasgow attended together with Cara Baillie from Diageo. Mr McGillivray spoke to the terms of the application which sought to: add bar meals as an activity; increase the off sales capacity to 42.85m²; change the wording at Q5(f) in relation to retail activities and change the layout plan. Mr McGillivray advised that the company had substantially invested in whisky tourism in Scotland and wanted to make some changes to the premises, including more space for customers.

Eric Dearie, Licensing Standards Officer advised that it was a straightforward application and he had no issues with it.

The Chair moved to grant the application as applied for.

With no-one else being otherwise minded, this became the decision of the Board.

(c) Carradale Community Shop & Post Office, Carradale, PA28 6QG

Tracy Muscroft, premises manager, attended and explained that there had been an error in the initial application which was Thursday, 10.00am to 12.00pm but should have been 10.00am to 5.00pm, in line with the other 5 days. She added that the extra opening hours would require voluntary support but they wanted to be more flexible.

Raymond Park, Licensing Standards Officer advised that he had no issues with this as it was simply a tidy up exercise.

Fiona Howard asked Ms Muscroft if the volunteers receive training and she replied that they all have the minimum 2 hours training.

The Chair moved to grant the application as applied for.

With no-one else being otherwise minded, this became the decision of the Board.

(d) Ingrams Bar, 21-23 Ferry Brae, Dunoon, PA23 7DJ

The applicant, Craig Wilson attended and spoke to the terms of the application which sought to: allow children and young persons to remain on the premises until 9.00pm; to extend the on-sales terminal hour on a Monday and Tuesday from 11p.m. to 12 midnight; to change the opening time for on and off-sales on a Sunday to 11.00am; and to add dancing as an activity on the licence. Mr Wilson said he wanted to change the business by concentrating on families, evening meals and events.

Raymond Park, Licensing Standards Officer advised that the operating plan had been re-visited and changes were sought to make the premises more family friendly and the increased hours would be in line with Board Policy. He added that Environmental Services had requested an updated noise management plan and would be liaising with the applicant regarding this matter.

Mark Irvine asked if there had been any noise issues in the past to which Mr Park replied that he was not aware of any. Mr Wilson advised that there were 2 flats above the premises which had been vacant for the last year.

Luna Martin referred to the small dance floor area and asked if children would be permitted access to this area at the same time as adults. Mr Wilson replied that the dance area would usually only come into use later in the evening after food service had finished and children would only be present if it was a family ceilidh event.

Paul Kennedy noted that there was a pool table and asked if this would be in place until such time as an event starts. Mr Wilson replied that it would be. The Chair asked if the pool table could be included in the operating plan and Mr Wilson confirmed he would be happy with that.

The Chair enquired about plastic glasses to which Mr Wilson advised that these would be used in the evenings when events were taking place.

The Chair moved to grant the application as applied for subject to the

dance floor only coming into operation after the terminal hour for children, which was 9.00pm.

With no-one else being otherwise minded, this became the decision of the Board.

(e) The Blairmore, Shore Road, Blairmore, Near Dunoon, PA23 8TJ

Having declared a non-financial interest in this matter, Audrey Forrest left the meeting.

Helen Dick, premises manager attended and spoke to the terms of the application which sought to: extend the terminal hour for on-sales from 6p.m. to 10.30pm on all days; extend the terminal hour for off-sales from 6p.m. to 10.00pm on all days; permit children and young persons to remain on the premises until 10.30pm on all days; and amend the seasonal variation. Ms Dick explained that the changes being sought were due to local demand for evening dining.

Raymond Park, Licensing Standards Officer said that the application was demand led and he had no issues with it.

Fiona Howard expressed a concern about children and young persons' being permitted until 10.30pm. Ms Dick said that she did not want to encourage this but did not want to exclude families either.

Paul Kennedy referred to the Board's Policy and Mr Park confirmed that the terminal hour for children and young persons was generally 10.00pm but it would be up to the discretion of the Board.

The Chair asked Ms Dick if she would be happy with 9.00pm or 10.00pm, to which she replied 10.00pm to offer flexibility to families.

After some discussion, the Chair moved to grant the application as applied for with a terminal hour of 10.00pm for children and young persons.

With no-one else being otherwise minded, this became the decision of the Board.

(f) The Gallery, 37 Main Street, Tobermory, Isle of Mull, PA75 6NT

Louise Stevens, premises manager attended and spoke to the terms of the application which sought to: extend the terminal hour for on-sales from 10p.m. to 11.00pm on all days; change the Sunday opening time to 11.00am for on and off-sales; and add receptions, funerals and live music

as activities on the licence.

Ms Stevens referred to the two objections and advised that music would only be played within the premises and only when a function was being held.

Eric Dearie, Licensing Standards Officer referred to his report and said that this was a standard application. He noted that there was currently no terminal hour in respect of children and young persons and the Board may wish to consider imposing a 10p.m time. Mr Dearie also referred to the 2 objections which had been received from:

Kathleen Russell, Wee Barra Cottage, Main Street, Isle of Mull, PA75 6NU (received by e-mail on 1st June 2022).

Robert Macleod, The Tobermory Hotel, Main Street, Tobermory, Isle of Mull, PA75 6NT (received by e-mail on 7th June 2022)

It was noted that neither of the objectors were in attendance. Mr Dearie explained that both objections related to potential noise nuisance but Environmental Services did not anticipate any potential issues.

The Chair suggested the terminal hours, internal and external, for children and young persons as per the Board's Policy and Ms Stevens confirmed that she was happy with this.

Fiona Howard asked if children and young persons could remain until the end of a function. Mr Dearie advised that this was within the Board's Policy but would require to be included in the operating plan.

Graham Hardie enquired about the size of the music venue. Ms Stevens advised that it could seat up to 50 persons and only pre-booked functions would be held.

The Chair moved to grant the application as applied for subject to the addition of the terminal hour for children and young persons of 10.00pm within the premises (8p.m. for the external area) but they could remain until the end of a pre-booked function.

With no-one else being otherwise minded, this became the decision of the Board.

8. REVIEW OF PERSONAL LICENCES

(a) Revocation of Personal Licences where licence holders have not

undertaken the refresher training.

The list of personal licence holders (Appendix 2) who had not undertaken the required refresher training within the prescribed timescale was noted and the Board agreed to revoke their personal licences.

(b) Revocation of Personal licences where licence holders have not applied to renew their licence.

The list of personal licence holders (Appendix 3) who had not submitted an application to renew their licence was noted and the Board agreed to revoke their licences

9. ANY OTHER BUSINESS

(a) Dates of Licensing Board Meetings - 2023

The dates of the Licensing Board Meetings for 2023 were agreed with the exception of 21st February 2023 which would require to be re-arranged.

10. NEXT LICENSING BOARD MEETING

The next meeting of the Licensing Board will be held by Skype on Thursday 8th September 2022 at 11.00am.